

DECISION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|-----------------------|-----------------------------|-------------|---------|
| RESOURCES DIRECTORATE | PUBLIC PROTECTION COMMITTEE | 8 JULY 2020 | 6 |
| STREET TRADING | | | |

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

Erratum: The reference in the summary paragraph to “Clifton Street” should read “Clifton Square”.

SUMMARY

Following complaints received from business owners regarding a monthly market taking place, the Committee will be requested to consider passing a resolution to re-designate Clifton Street as a “licence street” for street trading to provide additional controls when determining applications.

RECOMMENDATION

- To consider the report and subject to the consultation exercise re-designate Clifton Square, Lytham as a “licence street”, rather than a “consent street” for the purposes of street trading as defined under the Local Government (Miscellaneous Provisions) Act 1982.

SUMMARY OF PREVIOUS DECISIONS

24th June 2004 – Environment and Housing Policy Committee

That the Committee approve the designation of St Annes Road, St Annes, (including The Square) and Clifton Square, Lytham as consent streets for the purpose of street trading and agree that the required notices of intention to designate those streets as consent streets be published and served.

CORPORATE PRIORITIES

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|--|---|
| Spending your money in the most efficient way to achieve excellent services (Value for Money) | √ |
| Delivering the services that customers expect of an excellent council (Clean and Green) | √ |
| Working with all partners (Vibrant Economy) | √ |
| To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live) | √ |
| Promoting Fylde as a great destination to visit (A Great Place to Visit) | √ |

REPORT

1. The Local Government (Miscellaneous Provisions) Act 1982 (the Act) contains provisions relating to street trading. Street trading is defined in the Act as “selling or exposing or offering for sale of any article (including a living thing) in a street” and a street is defined as, “any road, footway, beach or other area to which the public have access without payment”.
2. Fylde has adopted the provisions of the Act and most streets in the Borough are designated as “consent streets” which means that consent from the council is required in order to carry out street trading. A small number of streets in Lytham, St Annes and Kirkham are designated as “prohibited streets” where trading may not take place under any circumstances.
3. Members may wish to note that in 2004, the Council re-designated St Annes Road West, St Annes (including the Square) and Clifton Square, Lytham from prohibited streets to consent streets for the purposes of street trading.
4. At the time, the purpose of allowing controlled street trading in the two town centres was to add vitality to the areas, creating added attractions and amenities and adding to the reputation of the town. Done in the right way, with controlled restrictions, it is recognised that trading could have major benefits to the town centres.
5. Since that time, a limited amount of trading has taken place with the main trader being an ice cream seller and his purpose-built trike.
6. A market has also taken place once a month which has recently attracted complaints from traders in the town, concerned that the market was selling similar or the same items at significantly cheaper prices than the “bricks and mortar” traders of Lytham. As such, consideration has been given to this to identify an appropriate solution to allowing the market to continue whilst considering the needs of the existing traders.
7. The current designation of the street as consent street provides some controls and conditions may be attached where reasonably necessary and may include conditions to prevent the obstruction of the street and nuisance or annoyance whether to persons using the street or otherwise.
8. However, the legislation also refers to “licence streets”, where a licence is issued, rather than a consent, the difference being that a council could licence streets in areas where they wanted to exercise specific control, eg setting up pitches, in effect creating a formal street market, where charges could be levied for cleaning and collecting refuse. Whilst this is useful, issuing street trading licences also provides the Council with additional powers in terms of imposing conditions relating to the size and type of any stall and prohibiting or restricting the amount of waste left.
9. Furthermore, reasons for refusal of a street trading licence include [“that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade”](#) . Any applicant aggrieved by a decision to refuse to grant or renew a licence may appeal the decision to the Magistrates Court.
10. Prior to passing a resolution to re- designate any street under the terms of the Local Government (Miscellaneous Provisions) Act 1982, the Council is required to publish a notice of that re-designation in a local newspaper circulating in the area and serve a copy of the notice on the Chief Constable for Lancashire and Lancashire County Council Highway Authority.
11. Should the Committee be minded to pass the resolution, a fee for the licence will be required and a separate report will be submitted to the Environment, Health and Housing Committee recommending the level of fee to be set.
12. Therefore, in order to progress the matter, members are requested to consider the re-designation of the street as Clifton Square as a licence street, rather than a consent street. To conclude, members are asked to note the report and consider instructing officers to make the necessary arrangements to publish an intention of a resolution as referred to in point 10 above.

| IMPLICATIONS | |
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| Finance | Should notice of intention to re-designate be passed, there will be a number of public notices required which will be met from existing budgets. An application fee will also be required to be calculated. |
| Legal | As detailed in report. |
| Community Safety | No implications arising directly from the report. |
| Human Rights and Equalities | No implications arising directly from the report. |
| Sustainability and Environmental Impact | No implications arising directly from the report. |
| Health & Safety and Risk Management | No implications arising directly from the report. |

| LEAD AUTHOR | CONTACT DETAILS | DATE |
|--------------|--|-----------|
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| BACKGROUND PAPERS | | |
|-------------------|------|--------------------------------|
| Name of document | Date | Where available for inspection |